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Paper No.

In re Application of
Fredrick B. Jedlicka et al
Serial No. : 09/981,574
Filed : October 17, 2001
For : Dispensing Apparatus with Remote Control

: DECISION ON PETITION
: TO WITHDRAW
: HOLDING OF
: ABANDONMENT

This is a decision on petitioner's request filed August 9, 2004 requesting revival of the application pursuant to 37 CFR 1.137(a) that is being treated as a request to withdraw the holding of abandonment under 37 CFR 1.181. The application was held abandoned for failure to respond to the Notice of Allowability and the Notice of Allowance and Fee(s) Due mailed June 10, 2002. A Notice of Abandonment was mailed August 4, 2003. The basis for the request is that applicant did not receive the communications mailed June 10, 2002. Petitioner learned of the abandoned status of the application during a telephonic conversation initiated by the examiner on July 31, 2003. There is no fee required for this petition.

A review of the file reveals, as correctly pointed out by petitioner, that the Office action of June 10, 2002 was mailed to an incorrect address as the Office appears not to have acted on a request to change the correspondence address that was filed January 11, 2002. Petitioner has submitted proof in the form of a PTO-stamped post card receipt to show that the Office had received the request for a change of the correspondence address but fail to act on it. Any inconvenience is respectfully regretted. Accordingly, in view of the above, the holding of abandonment is withdrawn. Upon the mailing of this decision, the application will be forwarded to the examiner for treatment of the Information Disclosure Statement filed September 17, 2002 and the issuance of an Office action reflecting treatment of the IDS.

Summary: Holding of Abandonment Withdrawn.

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